

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| NOVASTAR MORTGAGE INC.     | : | Case No. 1:07-cv-00141          |
|                            | : |                                 |
| Plaintiff                  | : |                                 |
|                            | : |                                 |
| vs.                        | : | <u>ORDER OF CONFIRMATION OF</u> |
|                            | : | <u>SALE AND DISTRIBUTION</u>    |
| CAROL A. FORBRIGER, et al. | : |                                 |
|                            | : |                                 |
| Defendants.                | : |                                 |
|                            | : |                                 |
|                            | : |                                 |

This action is before the Court upon the Notice of Deposit of Foreclosure Sale filed by the Special Master with respect to the property commonly known as 5250 Indian Run Road, Cincinnati, OH 45243, parcel no. 529-0150-0032-00 (the "Property"). The legal description of the Property is attached to this order as Exhibit A, which is incorporated herein by reference.

1. The Property was sold by the Special Master on October 24, 2007 to NovaStar Mortgage Inc. for the following amount:  
\$340,000.00.
2. Having carefully examined the proceedings of the officer, the Court finds that the sale of the Property conformed in all respects to the law and the prior orders of this Court and hereby confirms and approves the sale of the Property and these proceedings.
3. The Special Master, within 5 days of the date of this Entry,

shall convey the Property to NovaStar Mortgage Inc. by deed according to law, free and clear of all liens and encumbrances and shall issue the deed in the following name: NovaStar Mortgage Inc. The Court further orders the Special Master to ensure that NovaStar Mortgage Inc. records the deed with the Hamilton County, Ohio Recorder, immediately upon receipt thereof.

4. The tax mailing address of the purchaser of the Property is as follows: 8140 Ward Parkway, Suite 200, Kansas City, MO 64114.
5. The prior deed reference with respect to the Property is as follows: Official Records Volume 9417, Page 3930.
6. The purchaser of the Property is hereby subrogated to the rights of the mortgagees and lien holders in the Property to the extent necessary to protect the purchaser's title to the Property.
7. Upon recording of a certified copy of this Entry and the delivery of the deed to NovaStar Mortgage, Inc., the County Recorder shall cause the release and satisfaction of each of the mortgages and liens listed on Exhibit B, which is attached to this order and incorporated herein by reference. Such mortgages and liens shall be released only to the extent that they encumber the property foreclosed upon in this action and not to the extent that they encumber any other property.

8. Because NovaStar Mortgage Inc. holds a valid and subsisting mortgage on the Property, it need not pay the full amount of the purchase price to the Special Master. Instead, the bid of NovaStar Mortgage Inc. shall be credited against the amount of the judgment previously entered in its favor. Plaintiff is further ordered to pay the following:
  - a. To the County Treasurer, \$0.00 for taxes and assessments due on the Property as represented by tax bill attached as Exhibit C.
10. The following amount shall be applied as a credit toward the amount of the judgment previously entered in favor of the Plaintiff: \$\$340,000.00.
11. The Clerk is hereby ordered to distribute \$500.00 to the Special Master from the amount placed on deposit by the Plaintiff.
12. Having distributed payment for the appraisals in accordance with section 3.13 of General Order 07-03, the Clerk is hereby ordered to return the balance of the deposit, \$550 to the Plaintiff.

**SO ORDERED.**

Date: February 14, 2008

/s/ S. Arthur Spiegel  
Judge S. Arthur Spiegel  
United States District Court Judge

**EXHIBIT A**

Legal Description of the Property

Situated in the County of Hamilton, City of Cincinnati, and State of Ohio

Situated in section 11, Township 4, Fractional Range 2, Miami Purchase, Hamilton County, Ohio and beginning on the East line of William Susshine Tract, 568.84 feet north of the South line of said Section 11, and 1,254.40 feet west of the East line of said section, thence North 2 degrees 2 minutes East parallel to the East line of said section, 79.84 feet;

thence North 83 degrees 23 minutes West and parallel to the South line of said section, 243 feet;

thence South 2 degrees 2 minutes West and parallel to the East line of said section, 79.84 feet; thence South 83 degrees 23 minutes East parallel to the South line of said section, 243 feet to the place of beginning.

Including all rights of ingress and egress over a strip of land 12.75 feet in width, lying to the West of the foregoing premises and running south to Indian Hill Avenue.

Street Address: 5250 Indian Run, Cincinnati, OH 45243

Parcel Number: 529-0150-0032-00

**EXHIBIT B**

Mortgages and Liens to be Released

1. Mortgage in favor of Fifth Third Bank, 38 Fountain Square Plaza, OH 45202, from Thomas S. Sapinsley, no marital status listed, in the amount of \$104,285.34, filed February 13, 2003, recorded in Official Records Volume 9172, Page 5854, Recorder's Office, Hamilton County, Ohio.
2. Mortgage in favor of The National Bank & Trust Company, 48 N. South Street, Wilmington, OH 45177, from Eric R. Forbriger and Carol A. Forbriger, Husband and Wife, in the amount of \$500,000.00, filed October 3, 2003, recorded in Official Records Volume 9417, Page 3936, Recorder's Office, Hamilton County, Ohio.
3. Mortgage in favor of First Horizon Home Loan Corporation, 4000 Horizon Way, Irving, TX 75063, from Carol A. Forbriger and Eric R. Forbriger, Wife and Husband, in the amount of \$450,000.00, filed January 31, 2006, recorded in Official Records Volume 10154, Page 1498, as re-recorded on February 10, 2006, in Official Records Volume 10164, Page 2133, Recorder's Office, Hamilton County, Ohio.

as assigned to NovaStar Mortgage, Inc., 1900 W. 74th Place, Suite 200, Westwood , KS 66205, by Assignment filed July 31, 2006, recorded in Official Records Volume 10309, Page 2805, as re-recorded on October 12, 2006, in Official Records Volume 10373, Page 2092, Recorder's Office, Hamilton County, Ohio.